REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application and for indicating that the drawings filed on November 14, 2003 have been approved.

Disposition of Claims

Claims 1-29 are pending in the application. Claims 1, 15, and 27 are independent. The remaining claims depend, either directly or indirectly, from claims 1, 15, and 27.

Specification Amendments

Paragraphs [0029], [0037] and [0045] have been amended to correct typographical errors. No new matter has been added by way of these amendments.

Drawing Amendments

Figure 6 has been amended to include previously omitted labels 132, 134, 136, and 138. No new matter has been added by way of these amendments, as support may be found in paragraphs [0029-0030] of the specification of the application as filed.

Claim Amendments

Claims 1-3, 7-8, 11-13, 15-16, 18-19, and 27 have been amended to clarify various aspects of the claimed invention and to correct typographical errors. Specifically, independent claims 1, 15, and 27 have been amended to clarify that the variable allocated is associated with an action performed based on encountering an enabled probe of an instrumented program. Claim 2 has been amended to clarify that the consumer dynamic memory state is associated with

a tracing consumer, and the tracing consumer is associated with the tracing framework. Claim 12 has been amended to clarify that the tracing consumer is associated with the tracing framework. Applicant respectfully asserts that no new matter has been added by way of these amendments, as support may be found, for example, in paragraphs [0024-0027] of the specification of the present application as filed.

Claim Objections

The Examiner objected to claims 8, 11, and 18 for containing a typographical error. Claims 8, 11, and 18 have been amended by way of this reply to correct the typographical error. Accordingly, withdrawal of the objection is respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 1-7, 9-10, 12-17, and 19-29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,874,074 (hereinafter "Burton"). Claims 1-3, 7, 12-13, 15-16, 19, and 27 have been amended by way of this reply. To the extent that the rejection applies to the amended claims, the rejection is respectfully traversed.

The claimed invention relates to a method for dynamically allocating a variable in a tracing framework. Specifically, an enabled probe is used to trace an instrumented program. When the enabled probe is encountered, an action associated with the enabled probe is performed. One or more free data chunks (*i.e.*, data chunks on a free list) of dynamic memory are allocated to store a variable associated with the action. Once allocated, the data chucks are removed from the free list. When the data chunk(s) are deallocated, they are placed on a dirty list. The data chunk(s) are subsequently cleaned using a cleaning procedure, and placed on the free list (*see, e.g.,* paragraphs [0025-0031] of the specification).

Turning to the rejection of the claims, "[a] claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference [emphasis added]" and "[t]he identical invention must be shown in as complete detail as is contained in the ... claim" (*see* MPEP § 2131). Applicant respectfully asserts that Burton does not expressly or inherently describe each and every element of amended independent claim 1.

Specifically, amended independent claim 1 recites, in part, "allocating dynamic memory *in the tracing framework*, having a plurality of data chunks." The Examiner attempts to use Burton to describe these elements (*see* Office Action dated March 10, 2006, page 3). However, the passage of Burton relied upon by the Examiner (*i.e.,* Burton, col. 1, lines 30-45) is completely silent with respect to a tracing framework. In fact, a thorough reading of Burton reveals that Burton is completely silent with respect to any sort of tracing whatsoever. Clearly, to equate the allocation of Burton with the allocation of the present invention, the Examiner would be required to read out an express limitation of the claims.

Further, amended claim 1 recites, in part, "encountering an enabled probe of an instrumented program" and "performing an action associated with the enabled probe, based on encountering the enabled probe." As discussed above, Burton is completely silent with respect to any sort of tracing whatsoever. Accordingly, Burton is also completely silent with respect to "encountering an enabled probe of an instrumented program" and "performing an action associated with the enabled probe, based on encountering the enabled probe," because these limitations relate directly to tracing.

In view of the above, Burton does not expressly or inherently describe each and every element of amended independent claim 1. Thus, amended independent claim 1 is patentable over Burton for at least the reasons given above. Amended independent claims 15 and 27

contain at least the same patentable limitations discussed above with respect to amended independent claim 1, and are therefore patentable for at least the same reasons. Claims 2-7, 9-10, 12-14, 16-17, 19-26, and 28-29 depend, either directly or indirectly, from amended independent claims 1, 15, and 27, and are therefore patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 8, 11, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Burton in view of U.S. Patent No. 6,622,226 (hereinafter "Dussud"). Claims 8 and 11 depend from amended independent claim 1 and claim 18 depends from amended independent claim 18. To the extent that the rejection applies to the amended claims, the rejection is respectfully traversed.

To establish a *prima facie* case of obviousness, "[f]irst, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations" (*see* MPEP § 2143). Further, "*all* words in a claim must be considered in judging the patentability of that claim against the prior art [emphasis added]" (*see* MPEP § 2143.03). Applicant respectfully asserts that the references, when combined, fail to teach or suggest all the limitations of amended independent claims 1 or 15.

Specifically, as discussed above, Burton fails to teach or suggest all the limitations of amended claims 1 and 15. Further, Dussud fails to supply that which Burton lacks, as evidenced by the fact that the Examiner relies on Dussud solely to disclose "moving one of the plurality of

data chunks from the dirty list to a rinsing list if dirty list is not empty; issuing a first cross-call; moving one of the plurality of data chunks from the rinsing list to a clean list if the rinsing list is not empty upon receiving a response to the first cross-call; issuing a second cross-call; and setting the consumer dynamic memory state to clean in response to the second cross-call" (*see* Office Action dated March 10, 2006, pages 8-9).

In view of the above, Burton and Dussud, whether viewed separately or in combination, fail to teach or suggest all the limitations of amended independent claims 1 and 15. Thus, amended independent claims 1 and 15 are patentable over Burton and Dussud for at least the reasons given above. Claims 8 and 11 depend, directly or indirectly, from amended independent claim 1, and are patentable over the cited art for at least the same reasons. Further, claim 18 depends, directly or indirectly, from amended independent claim 15, and is patentable over the cited art for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places

this application in condition for allowance. If this belief is incorrect, or other issues arise, the

Examiner is encouraged to contact the undersigned or his associates at the telephone number

listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591

(Reference Number 03226/340001).

Dated: June 9, 2006   Respectfully submitted,

By _____

Robert P. Lord
Registration No.: 46,479
OSHA · LIANG LLP
1221 McKinney St., Suite 2800
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicant

Attachments: Clean copies of the amended paragraphs (3 pages)

Replacement Figure 6 (1 page)

AMENDMENTS TO THE DRAWINGS

Please amend Figure 6 as shown in the enclosed replacement sheet. Figure 6 has been amended to include previously omitted labels 132, 134, 136, and 138. No new matter has been added by way of these amendments, as support may be found in paragraphs [0029-0030] of the specification of the application as filed.